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2022 OCT 19 AM 10:38

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Attorney Daniel Mullen, and

Joseph Laplante, INDIVIDUALLY

Ransmeier & Spellman, Officially

*No Docket Needed
IN A New Cause of Action
File This New
Cause of Action*

EXPEDITED

JURY TRIAL DEMANDED

JURISDICTION

This action happened in New Hampshire. The Complaint is before the Court under 42 U.S.C. 1983.

PARTIES

1. Josephine Amatucci, P. O. Box 272, Wolfeboro Falls, NH 03896
2. Former Attorney Daniel J. Mullen, INDIVIDUALLY, formerly at 1 Capitol St. Ste 1, Concord;
3. Mr. Joseph Laplante, sued INDIVIDUALLY, 55 Pleasant St. Room 110, Concord, NH 03301;
4. Ransmeier & Spellman, OFFICIALLY, 1 Capitol St. Ste 1, Concord.

RELEVANT FACTS

RELEVANT FACTS

6. This case is based on Fraud on/Upon the Court, FRAUD is never final, there is no Res Judicata and No Statute of Limitations and NO Immunity when there is a violation of a Federal Right. That Laplante lostJURISDICTION..... when he denied the Plaintiff her Civil Rights under FRAUDULENT MISREPRESENTATION OF THE EV IDENCE IN THE CASE, and therefore his judgments are VOID OF NO LEGAL FORCE.

7. That defendants Mullen and Laplante during a hearing for cross summary judgments, fraudulently denied that the Plaintiff was arrested and Prosecuted for speeding. And under fraud, Laplante allowed Mullen Summary Judgment and denied the Plaintiff's Summary Judgment by insisting at the cross-motions for Summary Judgment that there was..... NO EVIDENCE IN THE FILES.....showing that the PLaintiff was arrested and prosecuted for speeding. When before Laplante in the files and record was an Affidavit signed UNDER OATH by the former Police Chief Stuart Chase, stating that the Plaintiff was arrested and prosecuted for Speeding. See evidence attached.

8. There is NO DISPUTE, as shown in the evidence attached, and other ample exculpatory evidence in the record, such as Mullen's statement in his own Motion for Summary Judgment, that,

"Former Chief Chase came upon the scene after Amatucci was ARRESTED by Officer Emerson and charged with the offense of SPEEDING. He did not participate in her " ARREST AND THE SUSEQUENT PROSECUTION". He did not provide any instructions or guidance to Officer Emerson relative to his pursuit of Amatucci and theSUBSEQUENT PROSECUTION FOR SPEEDING."

HELLOOOOOOOOOOOOOOOOOOOOOOO Mr. Laplante and Mullen, how can you say there was NO EVIDENCE that the Plaintiff wasNOT... arrested and prosecuted for Speeding.

9. This was an unlawful seizure, detention, liberty violation , under the Fourth Amendment, where under New Hampshire law, speeding is NOT A CRIME.

10. This is also a Monell claim against Ransmeier, under the LEGAL MALPRACTICE of Attorney Mullen, and a Monell claim under the Town of Wolfeboro, for the prosecutor's violation of the Plaintiff's civil Rights, and the trial procedure was a violation of the Speedy Trial clause. When a trial was held too long after the Plaintiff was seized. Especially where she was elderly.

11. This evidence is contrary to what Laplante stated in his ORDER dated December 26, 2018, when he fraudulently stated on page 20 "The record in this case demonstrates that Mrs. Amatucci's arrest concerned only the disobeying a police officer. On page 21 Laplante fraudulently states, "She has not supported that she was arrested for speeding". The evidence was right before his eyes. that she was ARRESTED and PROSECUTED for Speeding.

NO PROBABLE CAUSE TO DENY THE PLAINTIFF'S SUMMARY JUDGMENT

12. As in the files and record was a most important Affidavit signed by the former Police Chief Stuart Chase,UNDER OATH.....stating that the Plaintiff was indeed arrested and prosecuted for speeding. And worse still in Mullen's Motion for Summary Judgment before Laplante, Mullen himself admits that the Plaintiff was arrested for speeding, when he stated in his Motion for Summary Judgment.....

"She was charged with the offense of Speeding."

Therefore the denial of the Plaintiff's Summary Judgment motion by Laplante, based on the unlawful arrest and prosecution without probable cause, as Speeding is not a crime in New Hampshire, was a RESPASSING OF THE LAW by Laplante, where he lost JURISDICTION and his judgment was therefore VOID OF NO LEGAL FORCE.

13. ORDER ON THE CROSS-MOTIONS FOR SUMMARY JUDGMENT

The Plaintiff has gone into all details of this case in her recent filings, and therefore

all the facts and law are summarized in the files and record in the Court on this case.

14. The FRAUD MISREPRESENTATION of Laplante and Mullen was never ruled on, or judged on the law, therefore there is no res judicata., and evidence proves that there is NO DISPUTE that the Plaintiff's was unlawfully arrested and MALICIOUSLY PROSECUTED, as she was found NOT GUILTY OF SPEEDING by the trial court judge, and under the law her arrest and prosecution was a Fourth Amendment violation. Under Fraud, under a violation of a Civil Right there is no IMMUNITY, no res judicata, no statute of limitations, and FRAUD IS NEVER FINAL.

15. With the evidence before the Court there is NO DISPUTE that the Plaintiff was unlawfully ARRESTED AND PROSECUTED FOR SPEEDING, that she was deprived of her liberty, pursuant to legal process. There was NO PROBABLE CAUSE to arrest and prosecute the Plaintiff as Speeding is not a crime in New Hampshire. She was NOT CONVICTED OF SPEEDING, therefore this was a MALICIOUS PROSECUTION. Also, the conviction for disobeying a police officer is void of no legal force under the Sixth Amendment, as the defendants had a jury trial way beyond the limits to file a trial under the Sixth Amendment, which allows the police only 9 months to hold a trial. The police took longer than one year before a trial was held.

MONELL CLAIM AND LEGAL MISCONDUCT

16. There is a violation of the Sixth Amendment Speedy Trial clause and there is a Monell claim against Ransmeier & Spellman in this case, under Legal Malpractice.

17. And where the Town of Wolfboro Prosecutor, a policymaking official, was the connection for the arrest and prosecution of the Plaintiff for speeding, this is a viable liability claim under Monell against the Town of Wolfboro. Even if it

happened only once, there does not have to be a custom of the Town under Monell.

18. There is no dispute on this claims, therefore UNDER THE FEDERAL LAW, under FRAUDULENT MISREPRESENTATION, UNDER FRAUD ON/.UPON THE COURT THESE CLAIMS AND FACTS AND THE LAW will allow the Plaintiff damages under 1983 .

19. There is NO IMMUNITY under a violation of a person Civil Rights.

20. FRAUD FRAUD FRAUD, on page 24, Laplante states "

"There is no evidenceIN THE RECORD.... to support a judgment in Mrs. Amatucci's favor as to her malicious prosecution claim".

What about police chief Chase's Affidavit verifying that she was ARRESTED AND PROSECUTED FOR SPEEDING, when SPEEDING IS NOT A CRIME IN NH. This is a Malicious Prosecution.

21. This case is 4 years old and the law demands that the Plaintiff's claims be held no longer under Fraud in this Court, and in doing so the Court is ABUSING HER rights under the Federal law, which is TRESPASSING AGAINST THE LAW.

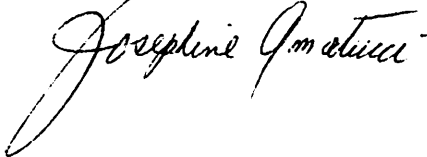
WHEREFORE: If this Court denies the Plaintiff her right for damages under 1983 in this case the defendants will be TRESPASSING AGAINST THE FEDERAL LAW.. Besides an Abuse of the Elderly.

Respectfully,

Josephine Amatucci

October 14, 2022

c. Town of Wolfeboro

A handwritten signature in cursive script that reads "Josephine Amatucci". The signature is written in black ink and is positioned below the typed name "Josephine Amatucci".



Ms. Josephine Amatucci
PO Box 272
Wolfeboro Fis., NH 03896-0272



ATTENTION: MEG CAHILL
UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE
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